

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: LETTER OF CONSISTENCY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN FOR EASEMENTS OVER THE CROSS SEMINOLE TRAIL CORRIDOR FOR AK BUSINESS CENTER EXPANSION

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Tony Matthews **EXT.** 7373

Agenda Date 07/23/03 **Regular** ☒ **Consent** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. Authorize chairman to execute the attached letter finding the proposed 63 foot and 15 foot easements consistent with the Seminole County Comprehensive Plan (Vision 2020 Plan), with staff findings.
2. Authorize chairman to execute a letter making a different finding of consistency with the Seminole County Comprehensive Plan (Vision 2020).
3. Continue this item to a date and time certain.

(Commission District #1-Maloy)

(Tony Matthews, Principal Planner)

BACKGROUND:

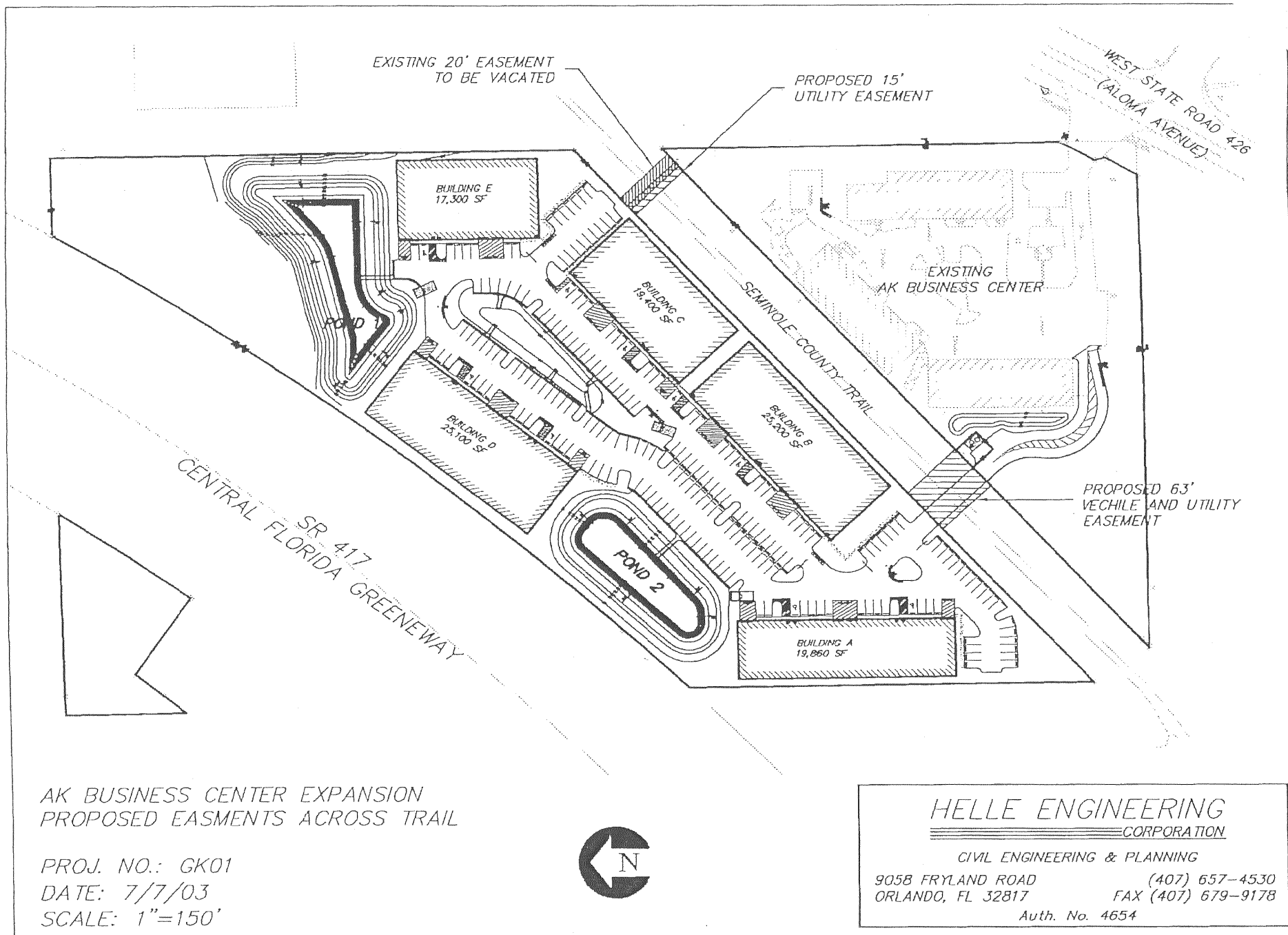
The applicant, Helle Engineering Corporation, is requesting approval of two (2) trail crossings over the Cross Seminole Trail for the AK Business Center Expansion. The proposed 63 foot and 15 foot easements will allow for vehicular and utility connection between the existing and proposed portions of the AK Business Center development (see attached site plan). The property is located on the northwest side of SR 426 (Aloma Avenue), abutting the Central Florida GreeneWay (see attached map).

STAFF RECOMMENDATION:

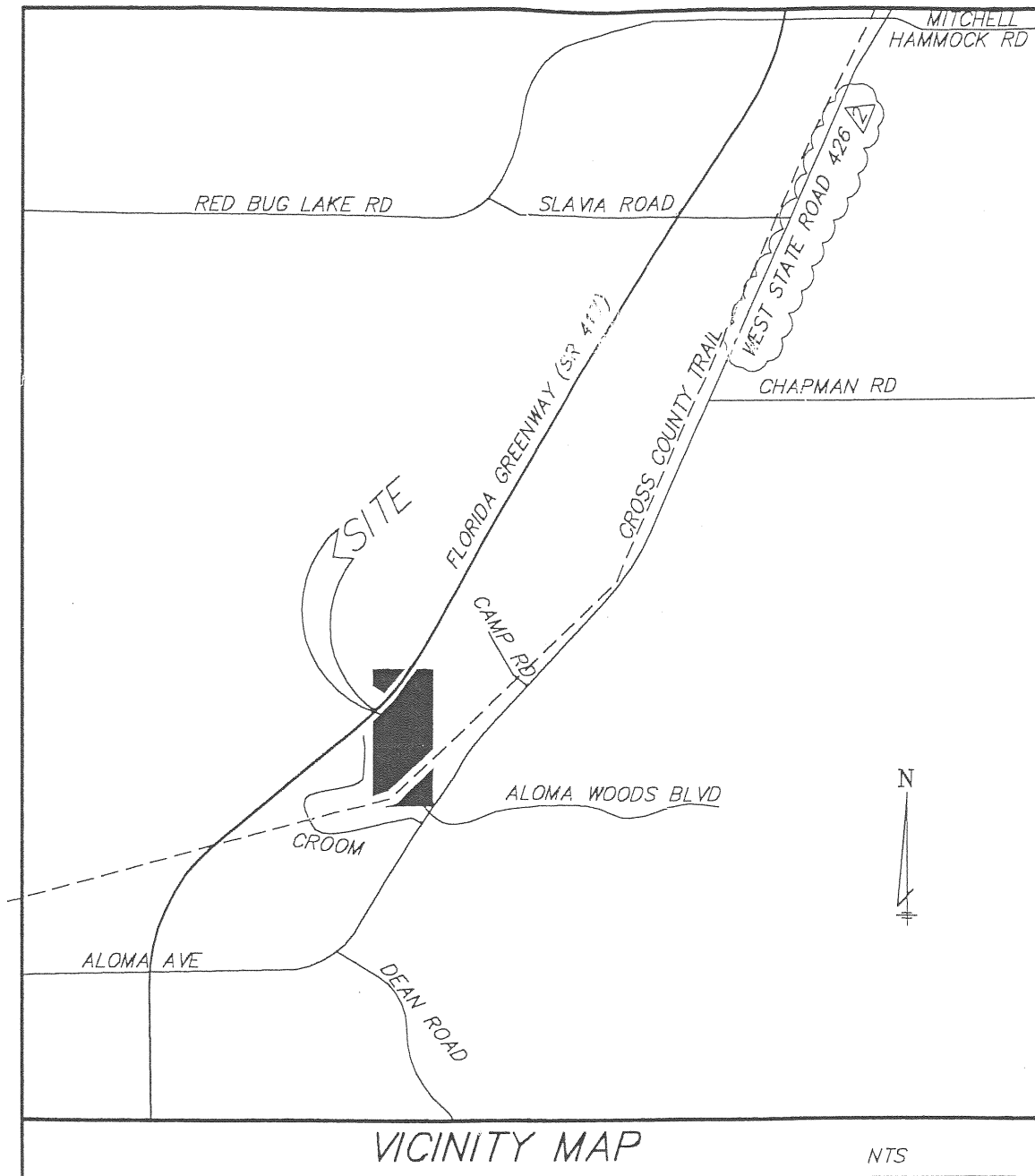
Recommend chairman execute the attached letter finding the proposed 63 foot and 15 foot easements consistent with the Seminole County Comprehensive Plan (Vision 2020), with staff findings.

Reviewed by:
Co Atty: KZC
DFS: _____
Other: _____
DCM: _____
CM: _____
File No. _____

Attachments: Site plan, Letter of Consistency, TIIFT application.



AK BUSINESS CENTER LOCATION MAP



OVERVIEW:

The TIIFT easement application, submitted by George Kanistras and represented by the Helle Engineering Corporation, requires a letter of confirmation from the County's Land Planning Agency that the proposed easements are consistent with the Seminole County Comprehensive Plan (Vision 2020 Plan). This trail right-of-way is vested to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIIFT), subleased to Seminole County for management, and is proposed as the future path of the Cross Seminole Trail (CST). The CST is among the showcase trails in the Countywide Greenways and Trails Master Plan.

The applicant is requesting to vacate an approved 20 foot easement and add a new 15 foot and 63 foot easement. The 15 foot easement is intended for placement of a water line, which will allow for a looped system within the development as required by the County's Utilities Department. The proposed 63 foot wide easement will accommodate water and sewer lines and provide vehicular access to the development (see enclosed site plan).

Applicable Vision Plan policies include the following:

Policy TRA 3.7 Consideration of Intermodal Connections in Transportation Improvements

In the planning, design and construction of transportation improvements, the County shall consider the safety and efficiency of features at intermodal connections, such as: bus stops, bus shelters, signage, pedestrian and bicycle/trail access, handicapped access and park-and-ride lots...

Policy TRA 9.12 Bicycle and Recreational Trail Planning and Coordination

The County shall continue to fund and construct a countywide network of pedestrian, bicycle, recreational and equestrian trails...

Policy REC 5.2 Recreational Trail Development

The County shall continue to develop and implement the showcase trails, which include the Seminole Wekiva Trail, the Cross-Seminole Trail, and the Flagler Trail, as well as those others identified in the Countywide Greenways and Trails Master plan...

STAFF FINDINGS AND RECOMMENDATION

Recommend chairman execute the attached letter finding the proposed 62 foot easement consistent with the Seminole County Comprehensive Plan (Vision 2020), with staff findings.

1. The existing 20 foot easement is not sufficient to accommodate vehicular access and utility installation for the proposed business expansion.
2. The proposed 63 foot easement will provide vehicular access and utility installation to the proposed expansion.

3. The proposed 15 foot easement is needed to provide a looped water system as required by the Seminole County Utilities Department.
4. Any existing easements must be vacated prior to granting of any new easements.

Note: For information, design of the trail crossing must be approved by Seminole County Special Projects Team prior to site plan approval. The design shall consist of pavement design, signage and marking, landscaping, and maintenance, and the applicant must coordinate with the County during construction of the trail. This area of the CST is anticipated to undergo construction within six (6) months. The trail shall remain open throughout development of this site and within the proposed easement.

23 July 2003

Mr. George Kanistras
3004 Kananwood Court
Suite 140
Oviedo, Florida 32765

Subject: Cross Seminole Trail Corridor Easements for AK Business Center Expansion (Tax Parcels #30-21-31-300-0120-0000 and 30-21-31-300-012A-0000)

Dear Mr. Kanistras:

On behalf of the Seminole County Land Planning Agency/Planning and Zoning Commission (LPA/P&Z), we are please to submit this letter confirming the proposed 63 foot vehicular and utility easement and 15 foot utility easement crossings of the Cross Seminole Trail Corridor would be consistent with the Seminole County Comprehensive Plan (Vision 2020 Plan), adopted pursuant to Chapter 163, Florida Statues (see enclosed location map and site plan of easement area).

The LPA/P&Z also finds that any existing easements for this property must be vacated prior to granting of any new easements.

For information, design of the trail crossing must be approved by Seminole County Special Projects Team prior to site plan approval. The design shall consist of pavement design, signage and marking, landscaping, and maintenance, and the applicant must coordinate with the County during construction of the trail. This area of the CST is anticipated to undergo construction within six (6) months. The trail shall remain open throughout development of this site and within the proposed easement.

Please note that the decision of the LPA/P&Z does not grant any rights to construct a crossing over the CST. Any easement across the CST must be in compliance with any and all applicable laws, rules, regulations, ordinances, and permitting requirements of Seminole County and other governmental entities having jurisdiction over the Property.

1101 East First Street, Sanford, Florida 32771, 407-665-7371

We trust this information will satisfy your needs. If you have any questions regarding the County's planning process, please contact Matt West, Planning Manager, at 407-665-7371.

Sincerely,

Ben Tucker, Chairman
Seminole County Land Planning Agency/Planning and Zoning Commission

Enclosures
Tm:BT

Cc: Jenny Self, Helle Engineering Corporation
David Martin, Special Projects Team

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1101 East First Street, Sanford, Florida 32771, 407-665-7371

EASEMENT APPLICATION
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

This application is to be used in order to apply for an easement on land, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees).

If you have any questions after reading this application form, you may call (850)245-2720 for assistance from the Division of State Lands, Bureau of Public Land Administration.

SPECIAL NOTE TO ALL APPLICANTS: SUBMITTAL OF A COMPLETE APPLICATION SHALL NOT OPERATE TO CREATE ANY RIGHTS OR CONSTITUTE ANY GROUNDS FOR THE DEPARTMENT TO RECOMMEND APPROVAL OF ANY EASEMENT. THE BOARD OF TRUSTEES HAS THE AUTHORITY AND RESERVES THE RIGHT TO DENY ANY EASEMENT APPLICATION. ALL COSTS INCURRED BY APPLICANTS COMPLYING WITH THE REQUIREMENTS OF THIS APPLICATION SHALL BE AT THEIR OWN RISK. COSTS ASSOCIATED WITH OBTAINING AN EASEMENT ARE NON-REFUNDABLE AND SHALL BE ASSUMED BY THE APPLICANT INCLUDING, BUT NOT LIMITED TO, ALL APPRAISALS, ALL SURVEYS, ALL TITLE SEARCHES, AND ALL RECORDING FEES. APPLICANTS MUST RESPOND TO ITEMS 1 THROUGH 5 IN THEIR ENTIRETY.

PRIOR TO COMPLETING ITEMS 1 THROUGH 5 LISTED BELOW, PLEASE BE ADVISED THAT:

Any application to use state land which would result in significant adverse impact to state land or associated resources shall not be approved unless the applicant demonstrates there is no other alternative and proposes compensation or mitigation acceptable to the Board of Trustees pursuant to section 18-2.018(2) (i), Florida Administrative Code;

Any requested use of state land which has been acquired for a specific purpose, such as conservation and recreation lands, shall be consistent with the original specified purpose for acquiring such land pursuant to section 18-2.018(2) (c), Florida Administrative Code; and

Applicants applying for an easement across state land which is managed for the conservation and protection of natural resources shall be required to provide net positive benefit pursuant to section 18-2.017(39), Florida Administrative Code, if the proposed easement is approved.

Please send items 1 through 5 to the agency identified below, who manages the land on which your easement is requested.

Department of Environmental Protection
Office of Greenways and Trails
3900 Commonwealth Boulevard, M.S. 795
Tallahassee, Florida 32399-3000

Once the managing agency has reviewed the request they will notify the Division of State Lands, Bureau of Public Land Administration of their decision whether or not to allow this easement.

If approved, Item 6 will then need to be completed and submitted to the Division of State Lands.

Do not complete Item 6 until you have the managing agency's approval.

1. Type of Easement Application:

☒ Private Easement Application
☐ Federal, Regional, or Local Agency Easement Application
☐ State Agency Easement Application

2. Name of Applicant: George Kanistras

Address: 3004 Kananwood Court, Suite 140 Oveido, Florida 32765

Phone: (407) 365-4923

3. Represented by: Helle Engineering Corporation

Phone: (407) 657-4530

4. The state-owned land sought for an easement by the applicant is located in:
Seminole County; Section 30, Township 21 S,
Range 31 E; Property Appraiser's Parcel No. See Attached Parcel Map. (Include a more detailed description, if available.)
5. Before your application will be processed by the managing agency, it must contain the following:
 - a. Tax parcel maps of parcel and surrounding parcels with proposed easement area clearly indicated.
 - b. Aerial photograph with the proposed easement area identified thereon;
 - c. A statement describing the public benefits that will occur as a result of the proposed easement;
 - d. A boundary sketch illustrating location and width of proposed easement (~~can be sketched on tax parcel map~~).
 - e. A letter from the applicable local planning agency stating that the proposed easement is consistent with the local government comprehensive plan adopted pursuant to section 163.3167, F.S.
6. Once you have the managing agency's approval and before the Division of State Lands will process your application, it must contain the following:
 - a. A check in the amount of \$300 made payable to the Department of Environmental Protection (the application fee is not required for state, regional, local, or federal agencies). This fee is non-refundable.
 - b. Two prints of a certified field survey for the proposed easement area meeting the minimum technical standards of chapter 61G17-6, Florida Administrative Code, which contain the boundaries, legal descriptions, and acreage of the proposed easement area;
 - c. A written commitment to pay an easement fee based upon an appraisal of the market value of the parcel and upon the enhanced property value of a private applicant's land if the applicant is a private party (not required for state agencies);
 - d. A formal resolution adopted by the Board of County Commissioners or City Commissioners requesting the easement if the applicant is a local governmental agency (not required for private applicants or state, regional, and federal agencies); and
 - e. A statement of written approval from the managing agency along with a statement from the managing agent describing how the proposed easement conforms with the management plan when the easement application involves state land which is under lease, sublease, easement, or management agreement;
 - f. Applications for easements across state land shall include a statement of intended use that shall include, at a minimum, the following:
 - (1) The requested term for the proposed easement, which shall not be greater than is necessary to provide for the reasonable use of the state land;

- (2) The need for the proposed easement and written evidence that all other alternatives to the use of state land have been explored and denied;
- (3) Projected revenue to be generated from the use of the state land;
- (4) Whether the intended use is to be public or private and the extent of public access for such use; and
- (5) A description of the type of facility proposed for the easement area (e.g., road, overhead utility, buried lines, or pipes).

GENERAL INFORMATION ON GRANTING EASEMENTS OF BOARD OF TRUSTEES'S LAND

The granting or approval of an easement that will negatively affect the Board of Trustees' ability to manage uplands in a manner that achieves maximum public benefit will be discouraged pursuant to section 18-2.018(2)(b), Florida Administrative Code. The successful grantee shall assume all liability for the property covered by the easement.